

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GAN H. ENG, TAN F. LAM, KWOK C. TANG, JUN Q.  
CHAN, KAM C. HO, XIAO Z. ZHANG, YAT C. CHAN,  
MING HO, RONG J. CHEN, JIAN Z. LUO, LE Y. CHEN,  
JIAN B. YAN, SU C. JIANG, XIU H. JIANG, XIU LIN,  
TAK S. CHENG, SHU C. HUANG, MEI J. HUANG AND  
and OY K. KWAN,

Plaintiffs,

-against-

THE NICE RESTAURANT, INC.,  
BEN H. TOM, MEE MEE TOM a.k.a. MEE  
MEE M. THOM a.k.a. MEE MEE MEI, YAN SHING  
CHAN, CHEUNG YONG, SHING SI SUN, SHEN  
PING CHU, JOHN TAM, SI KIT WU, SI HUNG WU,  
CHUI BAI TAM, and JIMMY MOY a.k.a. JIMMY MUI  
a.k.a. JIMMY MEI,

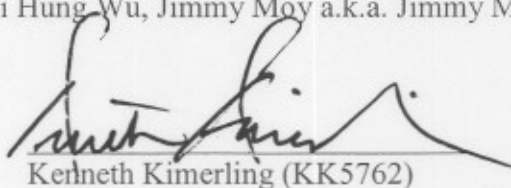
Defendants.  
-----X

ECF Case

07 CV 3909(MGC)

SERVICE OF THE SUMMONS AND COMPLAINT  
ON DEFENDANTS  
THE NICE RESTAURANT, INC.  
SI HUNG WU  
JIMMY MOY a.k.a. JIMMY MUI a.k.a. JIMMY MEI  
SHING SI SUN

Attached is the Summons in the instant matter. Also attached are declarations of service on defendants The Nice Restaurant, Inc., Si Hung Wu, Jimmy Moy a.k.a. Jimmy Mui a.k.a. Jimmy Mei and Shing Si Sun.  
Dated: December 18, 2007

  
Kenneth Kimerling (KK5762)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE NICE RESTAURANT, INC.,  
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CHAN, CHEUNG YONG, SHING SI SUN, SHEN  
PING CHU, JOHN TAM, SI KIT WU, SI HUNG WU,  
CHUI BAI TAM, and JIMMY MOY a.k.a. JIMMY MUI  
a.k.a. JIMMY MEI,

Defendants.

-----X

TO: SEE ATTACHED LIST

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFFS' ATTORNEYS

Kenneth Kimerling  
Asian American Legal Defense and Education Fund  
99 Hudson Street  
New York, New York 10013

an answer to the complaint which is herewith served up you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

*Mario Quintero*

(BY) DEPUTY CLERK

07 CV 3909 (MGC)

SUMMONS CIVIL  
CASE

ECF CASE

MAY 18 2007

DATE



## AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE

Index # 07cv3909 (MGC)

Purchased/Filed: May 18, 2007

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT

*Gan H. Eng, et. al*

Plaintiff

against

*The Nice Restaurant, Inc., et. al*

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Jessica Miller

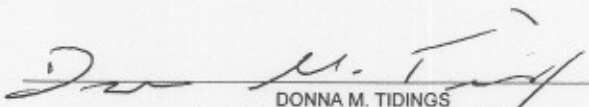
, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on June 1, 2007, at 2:00 pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Summons and Complaint, Judge Cederbaum's Individual Rules, Judge Fox's Individual Rules, and letter to The Nice Restaurant, Inc. on The Nice Restaurant, Inc., the Defendant in this action, by delivering to and leaving with Amy Lesch, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 306 Business Corporation Law.

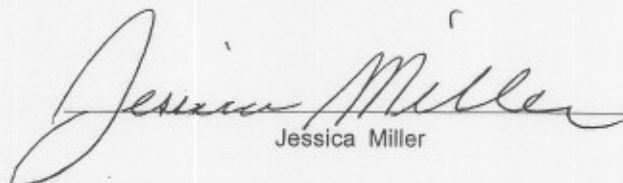
Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 23 Approx. Wt: 160 Approx. Ht: 5'9"  
Color of skin: White Hair color: Blonde Sex: F Other: \_\_\_\_\_

Sworn to before me on this

5th day of June, 2007

  
DONNA M. TIDINGS  
NOTARY PUBLIC, State of New York  
No. 01TI4898570, Qualified in Albany County  
Commission Expires June 15, 2007

  
Jessica Miller

Invoice•Work Order # SP0704730

SERVICO. INC. - PO BOX 871 - ALBANY. NEW YORK 12201 - PH 518-463-4179

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**DECLARATION OF SERVICE  
ON DEFENDANT SI HUNG WU**

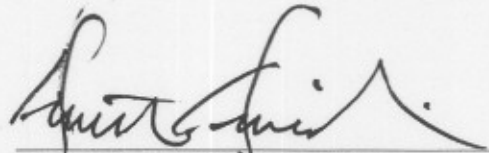
Kenneth Kimerling, hereby declares:

1. I am counsel for plaintiffs in the above captioned matter.
2. On September 12, 2007, I mailed a copy of the summons and complaint in this matter to defendant Shi Hung Wu, at his address at 85 Columbia Street, Apt 1-A, New York, New York 10002-2602. The documents were mailed in a plain envelope with only my office street address handwritten as the return-address. The document was marked "Personal and Confidential" A copy of the envelope attached.

3. The envelope was not returned by the Postal Service.
4. I made this service by mail after being informed that service was refused by defendant Wu's wife at their home address and a copy of the Summons and Complaint had been affixed to the defendant's door. See attached Declaration of Service by Fun Mae Eng dated November 19, 2007..

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: December 18, 2007



Kenneth Kimerling (KK5762)



99 Hudson St -  
12th Floor  
N.Y. N.Y. 10013



"Personal and Confidential"

Shi Hung Wu  
85 Columbia St.  
Apt 1A  
NY, NY 10002-2602

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TAK S. CHENG, SHU C. HUANG, MEI J. HUANG AND  
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THE NICE RESTAURANT, INC.,  
BEN H. TOM, MEE MEE TOM a.k.a. MEE  
MEE M. THOM a.k.a. MEE MEE MEI, YAN SHING  
CHAN, CHEUNG YONG, SHING SI SUN, SHEN  
PING CHU, JOHN TAM, SI KIT WU, SI HUNG WU,  
CHUI BAI TAM, and JIMMY MOY a.k.a. JIMMY MUI  
a.k.a. JIMMY MEI,

Defendants.

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**DECLARATION OF SERVICE**

Fun Mae Eng hereby declares:

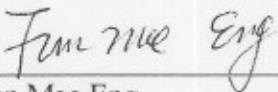
1. I am over 18 years old and not a party to this lawsuit.
2. On September 5<sup>th</sup>, 2007, at 7:40pm I was at the entrance of 85 Columbia Street. I met Si Hung Wu's wife and their daughter. Plaintiff Ming Ho identified the woman to me as Si Hung Wu's wife. I asked if Si Hung Wu was at home. Mrs. Wu answered that he was not at home at that time, so I said, "Here is a document for him. Please give it to him." I handed her a copy of the Summons and Complaint in the above captioned matter on

defendant Si Hung Wu. Mrs. Wu threw the document on the ground and said, "This is a private house, you cannot do this," and closed the door behind her. I went with Ming Ho into the building and rang the bell at Apt. #1A where Si Hung Wu lives with his family. Mrs. Wu refused to open the door, even though I heard she was talking inside with her daughter. So I taped the envelope on the door and left.

3. Mrs. Wu is 5'6" tall with short black hair.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: November 19, 2007

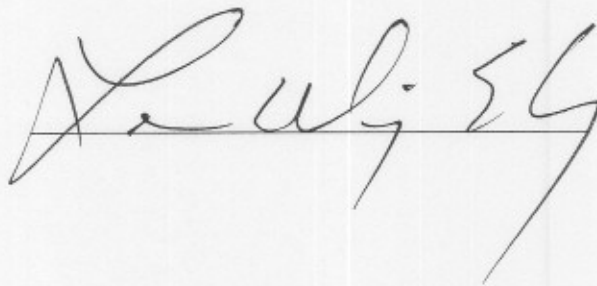
  
\_\_\_\_\_  
Fun Mae Eng



TRANSLATOR CERTIFICATION

I, WING LAM, hereby swear under penalty of perjury that I am fluent in both Chinese and English and that I have correctly and accurately translated this document from English to Chinese.

Dated: New York, New York  
November 19, 2007

A handwritten signature in black ink, appearing to read "Wing Lam", written over a horizontal line.

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-against-

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MEE M. THOM a.k.a. MEE MEE MEI, YAN SHING  
CHAN, CHEUNG YONG, SHING SI SUN, SHEN  
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CHUI BAI TAM, and JIMMY MOY a.k.a. JIMMY MUI  
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Defendants.  
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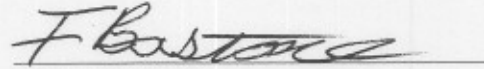
**DECLARATION OF SERVICE**

Alfred Bastone hereby declares:

1. I am over 18 years old and not a party to this lawsuit.
2. On June 25, 2007, at 1:07 p.m. I served a copy of the Summons and Complaint in the above captioned matter on defendant Jimmy Moy a.k.a. Jimmy Mui a.k.a. Jimmy Mei in the McDonalds Restaurant at 121 Madison Street, New York, New York. Mr. Moy is an Asian man, 6 feet tall with black hair and glasses. Plaintiff Ming Ho identified Mr. Moy to me.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND  
CORRECT.

Dated: September 15, 2007

  
Alfred Bastone



UNITED STATES DISTRICT COURT  
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THE NICE RESTAURANT, INC.,  
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MEE M. THOM a.k.a. MEE MEE MEI, YAN SHING  
CHAN, CHEUNG YONG, SHING SI SUN, SHEN  
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CHUI BAI TAM, and JIMMY MOY a.k.a. JIMMY MUI  
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Defendants.

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**DECLARATION OF SERVICE**

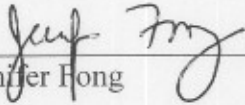
Jennifer Fong hereby declares:

1. I am over 18 years old and not a party to this lawsuit.
2. On June 13, 2007, at 2:50 p.m. I went to Windsor Garden Restaurant at 81 Chrystie Street, New York, New York. I asked the cashier that I was looking for Mr. Shing Si Sun, and he stepped up and said it is him. I served him a copy of the Summons and Complaint in the above captioned matter on defendant Shing Si Sun.
3. Mr. Sun is an Asian Man, 5 foot, 8 inches tall with grey hair. Plaintiff Ming Ho

identified Mr. Sun to me.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND  
CORRECT.

Dated: September 5, 2007

  
\_\_\_\_\_  
Jennifer Hong